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Translations and Reprints

FROM THE

Original Sources of European History

TYPICAL CAHIERS OF 1789.

EDITED BY MERRICK WHITCOMB, PH.D.

PUBLISHED BY

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THE use by readers and students of those original documents from which our knowledge of history is so largely drawn has come to be valued in recent times at something like its true worth. The sequence of past events, the form and spirit of institutions, the characters of men, the prevailing habits of thought, obtain their greatest reality when we study them in the very words used by the men to whom the past was the living present. Even historians who have not been characterized by a close dependence on the results of patient investigation of the sources have recognized the superiority of an appeal to original testimony. Mr. Froude says, "Whenever possible, let us not be told about this man or that. Let us hear the man himself speak, let us see him act, and let us be left to form our own opinion about him." And in "Stones of Venice," Mr. Ruskin writes, "the only history worth reading is that written at the time of which it treats, the history of what was done and seen, heard out of the mouths of the men who did and saw. One fresh draught of such history is worth more than a thousand volumes of abstracts, and reasonings, and suppositions and theories."

Experience has proved, not only that the interest of students can be more readily obtained through the vividness of a direct and first-hand presentation, and that knowledge thus gained is more tangible and exact; but that the critical judgment is developed in no slight degree, and the ability as well as the interest for further study thus secured.

The utilization of the original sources of history has, however, been much restricted by their comparative inaccessibility. A great proportion of such documents as illustrate European history exist only in more or less unfamiliar languages; many are to be found only in large and expensive collections, or in works that are out of print and therefore difficult to obtain or consult.

The desire to overcome in some degree this inaccessibility, especially for their own classes, led the editors of the present series of translations and reprints from the original sources of European history to undertake its publication. During the past three years evidence has been given of the usefulness of the documents in several directions. Their most considerable use has naturally been with college classes. One or more of the issues has been used in twenty-five of the principal Universities and Colleges, and four Divinity Schools. In addition to these and their use in lower schools they have been found to give increased value to University Extension courses and reading circles

During the current year the series will consist of five "double numbers" of 32 pages or more, each. The separate numbers will be edited respectively by Dana Carleton Munro, A.M. and Edith Bramhall, A.M., of the University of Pennsylvania, Edwin Knox Mitchell, of Hartford Theological Seminary, Edward P. Cheyney, A.M., of the University of Pennsylvania, Arthur C. Howland, Ph. D., of the University of Illinois, and Merrick Whitcomb, Ph.D., of the University of Pennsylvania. Titles of the numbers and further [illegible] on the third cover page

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TRANSLATIONS AND REPRINTS

FROM THE

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INTRODUCTORY NOTE.

It has been the effort of the editor to present, as nearly as possible, a complete cahier of each of the three orders. It is in the study of a single cahier that the trend of pre-revolutionary thought and aspiration may best be recognized. From this as a starting-point the student may proceed to acquaint himself with the variations of criticism and suggestion afforded by a comparison of many cahiers. Something of this kind has already been done by Mr. E. J. Lowell, in his *Eve of the French Revolution*, chapters XXI and XXII.

In selecting typical cahiers for presentation, an effort has been made to avoid the cahiers of localities whose conditions were exceptional. Such cahiers are for the most part filled with grievances and demands of a purely local nature. For this and other reasons two cahiers of Blois have been selected. The cahier of the Third Estate of Blois, however, was rejected. This document has shared a fate common to many of the cahiers of the Third Estate. The local cahiers of the smaller political divisions of the bailliage of Blois have fallen into the hands of lawyers, who have assembled and combined them with an eye single to their own desires and interests, reducing all other considerations to the simplest terms. The cahier of Versailles seems to have been somewhat more fortunate.

The cahiers of the Nobility are the most interesting. They are original compositions, drawn up by men of the highest intelligence and patriotism, men not devoid of sympathy with the intellectual movements of their time, and thoroughly alive to the necessity of reorganization. The clergy were less susceptible to the influences of the time, and their cahiers are more self-conscious. The method of assembling the local cahiers of the Third Estate resulted in a loss of vigor and personality. The ingenuousness and local coloring, which give the original cahiers an exceptional interest, are lost in the necessary process of condensation.

In the following text a French word here and there has been retained, mainly for the reason that no brief English equivalent has suggested itself. These terms may be found explained for the most part in Mr. Lowell's book, cited above; and for a wider discussion the student may consult Chéruel: *Dictionnaire historique des institutions, moeurs et coutumes de la France*, or to better purpose, *La Grande Encyclopédie.*

I. CAHIER,

Containing the grievances of the order of the clergy of the bailliage of Blois and of the secondary bailliage of Romorantin.

Archives Parlementaires, Vol. II, pp. 373-378.

FIRST DIVISION.

Religion.

[This division, which relates almost exclusively to the affairs of the French church, has been omitted as being of relatively small importance to the general student. It is worthy of note, however, that Art. 1-3 deplore the extension of religious liberty to non-catholics and the growing freedom of the press.]

SECOND DIVISION.

Constitution.

The clergy of the *bailliage* of Blois have never believed that the constitution needed reform. Nothing is wanting to assure the welfare of king and people except that the present constitution should be religiously and inviolably observed.

The constitutional principles concerning which no doubt can be entertained are:

1. That France is a true monarchy, where a single man rules and is ruled by law alone.

2. That the general laws of the kingdom may be enacted only with the consent of the king and the nation. If the king proposes a law, the nation accepts or rejects it; if the nation demands a law, it is for the king to consent or to reject it; but in either case it is the king alone who upholds the law in his name and attends to its execution.

3. That in France we recognize as king him to whom the crown belongs by hereditary right according to the Salic law.

4. That we recognize the nation in the States General, composed of the three orders of the kingdom, which are the clergy, the nobility and the third estate.

5. That to the king belongs the right of assembling the States General, whenever he considers it necessary.

For the welfare of the kingdom we ask, in common with the whole nation, that this convocation be periodical and fixed, as we particularly

desire, at every five years, except in the case of the next meeting, when the great number of matters to be dealt with makes a less remote period desirable.

6. That the States General should not vote otherwise than by order.

7. That the three orders are equal in power and independent of each other, in such a manner that their unanimous consent is necessary to the expression of the nation's will.

8. That no tax may be laid without the consent of the nation.

9. That every citizen has, under the law, a sacred and inviolable right to personal liberty and the possession of his goods.

We regard *lettres de cachet* as an abuse, contrary to the constitution. Each citizen without distinction ought to be subject to the laws and other rules of justice, and his trial by any special commission whatsoever not permitted.

The expense which the convocation of the States General will entail, through the necessary disturbance of citizens in their residence and vocations, ought to be diminished by a simplification of the forms of procedure.

A consideration of the proportion which ought to be established between the representatives of the higher and the lower clergy moves us to ask of the King that for the future the two divisions of the order shall hold their elections separately, and that in the lower division of the clerical order the forms of election shall be such that no member of the bodies which compose the order may be deprived of the representation which is his due.

The provincial estates or assemblies seem to us to constitute the régime likely to produce the best results in all branches of administration. We beseech the King to give them a legal existence and to organize them with a view to preserving the requisite balance between the interests involved, according to the clergy a number of representatives equal to that of the nobility.

THIRD DIVISION.

Taxes.

After having observed that the clergy have never enjoyed other privileges in the imposition of taxes than those which were anciently common to all orders of the state, the clergy of the bailliage of Blois

declare that for the future they desire to sustain the burden of taxation in common with other subjects of the king. They believe that it will be necessary for the States General, in order to bring within reasonable limits the burden of taxation, which has become excessive, to ascertain accurately the state of finances, together with the amounts of income and expenditure, and that an effort should be made to restrict the expenses of the court and of all departments, in so far as the needs of the state and the splendor of the nation will permit, and to fix the interest upon the state debt at a moderate rate, which is just, since the nation itself guarantees the payment.

To render all ministers and other persons charged with the management of finances responsible with their persons and property for their administration; to confide this administration, in so far as possible, to councils, bureaux and associations, rather than to private individuals who are more easily deceived and seduced; to fix the bases for general and special assessment; to simplify the collection of taxes, and to fix upon wise and patriotic means, which, while assuring the payment into the royal treasury of the last penny due, shall insure protection for the people against those persecutions which are ruinous to the public welfare.

The reforms which we judge most necessary in the matter of taxes, and which we particularly recommend to His Majesty's attention are the following:

1. In the *gabelles* and *aides*, which ought to be suppressed, or replaced, if need be, with a tax less burdensome;

2. In export duties, which we desire to see restricted to the frontier;

3. In registry fees, which have grown to an exorbitant figure. The irregularity of these charges subjects citizens to frequent contentions;

4. It is desirable to lessen the disadvantage under which poor country people labor in securing justice in the matter of over-taxation and malversations, on account of the considerable advances which they have to make in order to bring the matter to an issue;

5. The shifting of certain taxes might bring them to bear upon various articles of luxury and especially upon unnecessary articles of domestic use.

The best interests of the kingdom, which His Majesty will never cease to regard, seem to us to demand the following:

1. That no tax shall be laid without the consent of the nation;

2 That the King shall resume possession of all portions of the do-

main which have been illegally alienated, and even of those portions whose alienation, although accompanied with the forms of law, has nevertheless worked a manifest injury to the royal interests;

3. That the domain shall be declared inalienable for the future;

4. That the collectors of the *centième dernier*, due upon collateral successions, donations, etc., shall be obliged to give notice *gratis* for at least a month before the expiration of the term of payment;

5. That *franc-fiefs* shall be suppressed as useless and burdensome;

6. That the taxes approved by the States General shall be laid for a limited time only, subject to whatever arrangement may be made for the convocation of future States General.

FOURTH DIVISION.

Justice.

For the purpose of securing a reform of the principal abuses in the administration of justice we very humbly present to His Majesty what appears to us of first importance:

1. To divide the too extensive jurisdiction of the sovereign courts;

2. To complete the number of judges in each *bailliage*, in order that sessions may be held with greater regularity;

3. To suppress all judges of exceptional courts;

4. To suppress all seignorial courts in cases where a justice and necessary officials have not been retained and salaried by the *seigneurs*;

5. To authorize vassals to refuse the jurisdiction of their *seigneurs* in suits against the said *seigneurs*;

6. To establish in the principal rural places justices of the peace for the trial of minor cases;

7. To prevent excessive and illegal charges before judges and magistrates;

8. To ordain that these charges shall not be imposed except with the consent of that portion of the nation over which these judges and magistrates are to be placed;

9. To simplify the forms of justice by reducing costs, by accelerating procedure and by suppressing judges' fees;

10. To reform the civil and criminal codes and to diminish the number of customary codes which prevail in various parts of the kingdom, in order to hasten the day, if possible, when there shall be but one national code;

To ordain that authorization shall not be given by the bureau of mortgages until two months after the notice of foreclosure, which notice shall be given at the close of the parish mass, as well at the place where the property is situated, as at the residence of the vendor, and that the bailiff be compelled to obtain the signatures of two residents of each parish upon his proof of service;

11. To abolish the offices of appraiser, vendor of chattels, receivers of consignment etc., as involving useless costs.

FIFTH DIVISION.

Nobility, the chase, etc.

The nobility ought to be assured of their prerogatives and distinctions in the state, and we very humbly beseech His Majesty to grant these only as a reward for services rendered to our native land.

The King is moreover entreated to take into consideration:

1. The great number of serious abuses which the right of the chase entails upon agriculturists, and the annoyances caused them by game-keepers;

2. The evils which result from the right of open warren;

3. The importance of the regulations concerning pigeon-houses, which have almost ceased to be observed;

4. The injustice of depriving the inhabitants of lands adjacent to forests, as has been done in many localities, of the right of pasture, and other rights, which have been accorded them on various accounts.

SIXTH DIVISION.

Commerce.

We beseech His Majesty:

1. To take the most effectual means of preventing bankruptcies;

2. To fix a term, after which prisoners for debt may recover their liberty;

3. To interest himself in ameliorating the condition of negroes in the colonies.

Impressed as we are with the great influence of public education upon the religion, morals and prosperity of the state, we beseech His Majesty to favor it with all his power. We desire:

1. That public instruction shall be absolutely gratuitous, as well in the universities as in the provincial schools;

2. That the provincial *colléges* shall be entrusted by preference to the corporations of the regular clergy;

3. That many corporations of the regular clergy, which at present are not occupied with the instruction of youth, shall apply themselves to this work, and thereby render themselves more useful to the state;

4. That in towns too small to support a *collége* there shall be at least one or more masters, according to the importance of the place, who shall be able to teach the principles of Latinity or the humanities, and that their salaries shall be sufficient to allow of absolutely gratuitous instruction;

5. That this instruction shall be under the supervision of the parish priests and municipal officers;

6. That each candidate seeking permission to teach shall be obliged to produce proofs of correct life and habits, and give evidence of his capacity in an examination before the principal and professors of the nearest *collége.*

7. That masters of schools shall not employ as assistants persons from other localities, unless such persons shall have pursued the same vocation for at least two years in the place where they have studied, and shall be furnished with references and recognized as competent by means of an examination, as above indicated;

That, for the purpose of facilitating the education of girls, communities of religious women, whatever may be their institution, shall be obliged to open free public schools for girls under the supervision of the parish priests.

We beseech His Majesty that after the examination, which shall be made in the States General of the *cahiers* of the various *bailliages* of the kingdom, this work shall be made public by means of the press, both for the satisfaction of constituents and for the honor of the deputies.

(*This document, recorded in the clerk's office of the bailliage of Blois is signed: Abbé Ponthèves, President.*" *Then follow the signatures of 53 parish priests, 14 priors, 8 canons, 8 priests, 3 deans, 3 abbots, 3 curates, one chaplain, one friar, one deacon and 27 persons unclassified.*)

II. INSTRUCTIONS,

Given by the nobility of the bailliage of Blois to the viscount of Beauharnois and the cavalier de Phélines, deputies of the order to the States General, and to M. Lavoisier, supplementary deputy, March 28, 1789.

Archives Parlementaires, Vol. II, pp. 378-385.

The object of every social institution is to confer the greatest possible happiness upon those who live under its laws.

Happiness ought not to be confined to a small number of men; it belongs to all. It is not an exclusive privilige to be contested for; it is a common right which must be preserved, which must be shared, and the public happiness is a source from which each has a right to draw his supply.

Such are the sentiments which animate the nobility of the *bailliage* of Blois, at a moment when we are called upon by the sovereign to give our representatives to the nation. These principles have occupied all our thoughts during the preparation of this *cahier*: May they animate all citizens of this great state! May they evoke that spirit of union, that unanimity of desires which shall erect upon an indestructible foundation of power the prosperity of the nation, the welfare of the monarch and his subjects!

Deep and established ills cannot be cured with a single effort: the destruction of abuses is not the work of a day. Alas! of what avail to reform them if their causes be not removed? The misfortune of France arises from the fact that it has never had a fixed constitution. A virtuous and sympathetic king seeks the counsels and coöperation of the nation to establish one: let us hasten to accomplish his desires; let us hasten to restore to his soul that peace which his virtues merit. The principles of this constitution should be simple; they may be reduced to two: *Security for person, security for property;* because, in fact, it is from these two fertile principles that all organization of the body politic takes its rise.

PERSONAL LIBERTY.

Art. 1. In order to assure the exercise of this first and most sacred of the rights of man, we ask that no citizen may be exiled, arrested or held prisoner except in cases contemplated by the law and in accordance with a decree originating in the regular courts of justice.

That in case the States General determine that provisional detention may be necessary at times, it ought to be ordained that every person so arrested shall be delivered, within twenty-four hours, into the hands of appropriate judges, to be judged with the least possible delay, in conformity with the laws of the kingdom; that evocations be abolished, and that no extraordinary commission be established in any instance; finally that no person be deprived of his position, civil or military, without judgment in due form.

Since individual liberty is a right equally sacred for citizens of all ranks and classes, without distinction or precedence, the States General are invited to interest themselves in the suppression of all forced service in the militia and of acts of authority which involve the violation of personal rights, and which are the more intolerable in a century of intelligence, when it is possible to accomplish the same end with less oppressive means. The application of these principles ought to suffer exception only in the case of an urgent necessity, when the safety of the country is at stake, in which case the extent of the executive power should be enlarged.

From the right of personal liberty arises the right to write, to think, to print and to publish, with the names of authors and publishers, all kinds of complaints and reflections upon public and private affairs, limited by the right of every citizen to seek in the established courts legal redress against author or publisher, in case of defamation or injury; limited also by all restrictions which the States General may see fit to impose in that which concerns morals and religion.

The violation of the secrecy of letters is still an infringement upon the liberty of citizens; and since the sovereign has assumed the exclusive right of transporting letters throughout the kingdom, and this has become a source of public revenue, such carriage ought to be made under the seal of confidence.

We indicate further a number of instances in which natural liberty is abridged:

1. The abuse of police regulations, which every year, in an arbitrary manner and without regular process, thrusts a number of artisans and useful citizens into prisons, work-houses and places of detention, often for trivial faults and even upon simple suspicion;

2. The abuse of exclusive privileges which fetter industry;

3. The gilds and corporations which deprive citizens of the right of using their faculties;

4. The regulations governing manufactures, the rights of inspection and *marque*, which impose restrictions that have lost their usefulness, and which burden industry with a tax that yields no profit to the public treasury.

TAXES.

Art. 2. A tax is a partition of property.

This partition ought not to be otherwise than voluntary; in any other case the rights of property are violated: Hence it is the indefeasable and inalienable right of the nation to consent to its taxes.

According to this principle, which has been solemnly recognized by the king, no tax, real or personal, direct or indirect, nor any contribution whatsoever, under whatsoever name or form, may be established except with the consent and free and voluntary approval of the nation. Nor may said power of consenting to a tax be transferred or delegated by the nation to any magistracy or other body, or exercised by the provincial estates nor by the provincial, city or communal assemblies: superior and inferior courts shall be especially charged to attend to the execution of this article, and to prosecute as exactors those who may undertake to levy a tax which has not received the proper sanction.

All public loans are, properly speaking, taxes in disguise, since the property of the kingdom is affected and hypothecated for the payment of capital and interest. Therefore no loan, under whatsoever form or denomination, may be effected without the consent and will of the nation assembled.

Since the greater number of the taxes and imposts established up to this time have not received the sanction of the nation, the first business of the assembled estates will be to abolish all without exception; at the same time, in order to avoid the inconvenience resulting from an interruption in the payment of interest on the public debt and the expenses of government, the nation assembled, by virtue of the same authority, shall re-establish them, collecting them under the title of a free gift during the session of the States General and up to the time when they shall have established such other taxes as may seem to them desirable.

A tax is no other thing than a voluntary sacrifice which each person makes of his particular property in favor of the public power which protects and guarantees all. It is therefore evident that the tax

ought to be proportioned to the interest which each has in preserving his property, and consequently to the value of this property. In accordance with this principle the nobility of the *bailliage* of Blois believes itself in duty bound to lay at the feet of the nation all the pecuniary exemptions which it has enjoyed or might have enjoyed up to this time, and it offers to contribute to the public needs in proportion with other citizens, upon condition that the names of *taille* and *corvée* be suppressed and all direct taxes be comprised in a single land tax in money.

The nobility of the *bailliage* of Blois, in making this surrender of its ancient privileges, has been unable to suppress a sentiment of interest in favor of that portion of the nobility which a modest fortune confines to the rural districts. It believes that a proprietor, who fulfils the obligation of his heritage, spreads about him prosperity and happiness; that the efforts he makes to increase his revenues increase at the same time the mass of the agricultural products of the realm; that the country districts are covered with chateaux and manors, formerly inhabited by the French nobility, but to-day abandoned; that a great public interest would be subserved by inducing proprietors to seek again, so far as possible, their interests in the country.

Animated by these motives we believe that it is our duty to solicit the especial protection of the States General in favor of that respectable portion of the nation, which divides its time between the culture of the fields and the defence of the state; and we hope that means will be found to reconcile that which is due to their interests and needs with the absolute renunciation which is about to be made of the pecuniary exemptions of nobility.

If, as has been said, a tax is the price paid for the protection which government accords to property, it follows that all property which the government protects ought to be subject to the tax; that the tax, as a necessary consequence, ought to affect incomes from bonds and interest upon the royal funds in the same proportion as land.

It is useless to urge that such an extension of the tax would be a violation of the public faith: property in bonds is no more sacred than property in land: and if the nation can consent to a tax upon one it can also tax the other. The same contribution should be exacted from the emoluments derived from all financial positions and from all lucrative employments.

The order of nobility has no doubt that the national assembly will concern itself with the examination and reformation of that mass of

taxes, the collection of which, thanks to the financial spirit which neces sity has imparted to the administration, has been rendered intolerable to the people; such as the *gabelle*, the *aides* and others.

While awaiting the suppression of these taxes, their simplification, condensation, conversion or assessment by provinces, we ask that at least their collection be made less burdensome; that lists be drawn up and given to the public, in order that each may know the amount of his obligation; that over-assessments be avoided and abuses reformed.

Of these taxes certain ones have drawn our especial attention, as producing a very moderate contribution to the public treasury, while the inconvenience, the outlay, the expense of collection which they entail are out of proportion to the pecuniary advantages derived from them.

Of such a nature is the tax upon leather, a substance susceptible of contraction and expansion, which has given rise to frequent contentions, to accusations of false marks and to criminal processess.

The provincial assembly of Orléans has already declared against the collection of this tax, and has established the possibility of its conversion. This body has shown that the tax involves the ruin of the leather trade in France, and that we shall not be able, if the tax be continued, to compete with English leathers, either in price or quality.

Of such a character also is the tax of *franc-fief*, which is a burden to the third estate, which pays it; to the nobility, whose estates and rentals it diminishes in value, and to the King himself, who would be more than indemnified, in case the tax were abolished, by the increase in the value of all landed estates that hold from him.

So also with the *capitation*, a vexatious and arbitrary tax, which we hope to see abolished.

So also with the fees accorded to commissioners of appraisement, who conduct public sales in the villages. This tax bears heavily upon inheritances, and it often happens that the proceeds from the sale of the effects of the unhappy country people are not sufficient to discharge the costs of the sale.

So with stamp duties, registry fees and the *centième denier*. The legal status of these taxes is so generally unknown, and so far beyond the comprehension of those who have not made a special study of the matter, that the contributor is necessarily at the mercy of the collector, without it being possible for him to contest the case or defend himself.

It is no doubt useful that there should be legal forms, which fix the date of documents; registers, where they are transcribed and rend-

ered public; but the aggregate of these registry and transcription fees should not exceed the amounts required for the maintenance of officials: these dues should be fixed according to a simpler and more definite scale, available to everybody; and it is difficult to see why a matter of police and public security should be treated as a source of revenue for the state.

In connection with the greater part of the domanial taxes it is a remarkable fact that the intendant is the only judge having jurisdiction over contests arising in their collection, except by appeal to the council; the result is that the commissioner of the king alone may preside as judge in cases of original jurisdiction, and these are determined upon appeal by the king's council.

Of this character also is the tax which results from the exclusive privilege of the stage routes, a privilege enjoyed by the king and farmed out by provinces. At a time when the necessity is keenly felt of encouraging commerce and communication a tax upon travellers is impolitic, and this fact alone should suffice to ensure its suppression. A person travelling on business pays sufficient taxes upon the food he consumes along the route, he contributes adequately to the public expenses in the taxes imposed upon the articles of commerce in which he deals, without the annoyance of an indirect tax, which restricts his liberty and at the same time yields almost nothing to the public treasury.

But in addition to the inconvenience which the farming of stage-routes involves, when regarded as a tax, as an exclusive privilege it presents the greatest objections: it places the traveller at the mercy of a contractor, who is frequently unable to perform his obligation, and who nevertheless assumes a right over those who are willing to perform it in his stead: it delays the traveller and hampers the ease and facility of his communications.

The free and voluntary renunciation which the order of nobility is about to make of its pecuniary privileges gives it the right to demand that no exemption whatsoever shall be retained in favor of any class of citizens. We have no doubt that the clergy will voluntarily consent to bear all taxes in common with citizens of other orders, in proportion to their possessions; and we demand that the privileges of free cities, of stage masters, of sealers of weights and measures and of all other persons be abolished; in order that the tax shall affect all persons and places in proportion to the net product of their incomes.

THE ADMINISTRATION OF JUSTICE.

Art. 3. The order of the nobility of the *bailliage* of Blois will review this subject briefly. We shall limit ourselves to observing that the administration of justice is less a privilege than a duty of sovereignty; that it ought to be gratuitous, at least to the poor, or in any event not expensive; that procedure should be simple and expeditious; that all useless stages of jurisdiction should be abolished; that in arranging the jurisdiction and fixing the competence of courts the convenience of litigants alone should be regarded, and not that of magistrates, since magistrates were constituted for the people and not the people for the magistrates. That certain estimates, which have come to the notice of the nobility of the *bailliage* of Blois, respecting the enormous cost to the nation of the administration of justice, have produced upon us an impression of grief and horror.

That, through a neglect of constitutional principles, all powers of the state have been confounded with the judicial power; that under the pretext of judicial rulings the superior courts have assumed a portion of the legislative power; that under the pretext of police regulations the inferior courts, oftentimes a single person bent upon following out his individual system, have been permitted to establish regulations which encroach upon the liberty of citizens and seriously affect the rights of property.

The attention of the order of nobility has been still more painfully directed to our criminal laws. Originating in a period of ignorance and barbarity, they reflect the ferocity of manners then prevailing. From the moment of his apprehension the accused is looked upon as guilty; counsel and assistance of all kinds are refused him.

A judge of original jurisdiction examines witnesses and receives depositions; and this testimony, received by a judge offtimes ill instructed, sometimes prejudiced, becomes practically a sentence of death, from which the accused cannot hope to escape; for what assistance can the appellate court provide, when it determines only upon procedure, upon depositions received from the first judge?

It is not the duty of the nobility of the *bailliage* of Blois to attempt to present to the States General a plan for the reformation of the civil and criminal laws. There will not be wanting virtuous, sensible and enlightened magistrates, gathered from all provinces of the kingdom, who will make their voices heard in that august assembly.

We limit ourselves to demand that there shall be appointed, at the opening of the coming assembly of the States General, a commission composed of persons of enlightenment, whose business it shall be to take this matter into consideration. This commission ought not to be composed exclusively of magistrates and jurists; the most distinguished virtue is not beyond the seduction of prejudice. There ought to be included citizens of all estates and orders, particularly of those who have had the privilege of studying the English system of criminal jurisprudence.

We shall not close this article without asking:

1. That legal forms accompanying actions arising from the seizure and sale of property, administrations and creditors' mandates, and other actions in which a large number of persons are interested, shall be abridged and simplified;

2. That the file of notarial records shall be sacred; that they shall be placed, after an interval of time has elapsed, in a public place, where all citizens may have access to them.

3. That there shall be established in each rural parish a court of reconciliation, composed of the *seigneur*, the parish priest and certain elderly men, for the purpose of amicably settling disputes and preventing suits at law.

ADMINISTRATION OF THE DOMAIN AND FORESTS OF THE KING.

Art. 4. The king's domain has ever been regarded as charged with perpetual entail, and according to this principle was not subject to sale, but only to pledges and exchanges. We shall not consider whether these pledges and exchanges have been disadvantageous to the interests of the king, as is the general belief; but the nobility of the *bailliage* of Blois is unwilling to see the patrimony of our kings scattered and swallowed up in the immensity of the public debt.

Certain important considerations make it desirable that the forests shall not be included in the sale of the domain.

A great nation, and especially a maritime nation like France, ought to regard its timber areas as national property, precious for its defence, not to be withdrawn from the control of the sovereign. It is the general opinion that a greater advantage is derived from cutting the young timber than from allowing it to grow to maturity; that the longer this is delayed, the greater is the loss: the desire for enjoyment is a natural sentiment, and common to all mankind; no one will interest himself in a kind of wealth, which will have a real value only in the

fifth generation. Legal exemptions, government encouragement, all possible means avail nothing against this instinct.

These reflections are sufficient to make it evident that it is necessary either to abandon the idea of protecting the old forests of France, or to put them under the safeguard of the nation. The nobility of the *bailliage* of Blois is of the opinion that all idea of selling or alienating the royal forests ought to be abandoned, and that every attempt of this nature is to be regarded as a public evil.

If then from the property which forms the body of the king's domain the forests, which form a considerable part, be withdrawn, together with that portion already alienated, of which it would perhaps be impossible to regain possession, or the resumption of which would be disadvantageous, the remaining portion subject to sale would afford only a meagre resource and would bear no proportion to the deficit which it is a question of reducing.

As a result of these considerations the nobility of the *bailliage* of Blois is persuaded that in case the States General determine to abandon the principle of the inalienability of the domain, it would be unnecessary to hasten the sale. A large portion of this property has not been brought up to its real value, and it is important, before it is sold, that an effort should be made to improve its condition. We shall limit ourselves then to the request, that at this first session of the States General transactions in respect to the king's domain be subjected to more rigorous conditions; that no disposition be made of the domain until the provincial estates have been consulted, and that final action be reserved for the approbation of the following session of the States General; and that in respect to financial operations and exchanges which have been begun, but not yet confirmed and legally completed, nor appraisement made, revision shall be reserved for the next States General. Moreover in the matter of the forest of Russy, the complaint of the nobility of Blézois and the memorial in reply of Baron d' Espagnac, together with the documents relative thereto, shall be turned over to the deputies, with instructions to put them into the hands of the States General.

We shall also remark that, while awaiting a definite policy in regard to the alienation of the domain and the management of the forests, it is desirable that their control should be entrusted to a permanent administration, resident in the provinces, whose interests must be identical with the king's, and that all these qualifications are found eminently united in the provincial estates. This new form of administration would

be more economical, insomuch as it would allow the suppression of the offices of inspector of waters and forests, and a part of the present domanial administration.

THE REGULATION OF EXPENDITURE.

Art. 5. One of the most important duties which the States General will be called upon to fulfil, is the regulation of expenditures.

They should reduce expenditures, in each department, to that which is absolutely indispensable. They should demand the abolition of all useless offices, posts and places, especially those which require neither function nor residence: they should reduce all appointments, salaries, rewards, pensions and gratuities which they deem excessive. They should make public the list of pensions; they should inquire into the motives which have actuated their concession: finally, they should not attempt to reduce the deficit by increased taxation, until they have exhausted all means of restoring a balance by measures of economy.

They should adopt most stringent regulations, to the end that the sums voted for the expenses of each department shall in no case be exceeded; that accounts shall be promptly rendered; that all shall be subjected to the same rules and formalities, and that no expenditure shall be made upon the authority of a simple order in council.

In order to quiet still further the apprehension of national creditors, and to establish confidence upon an indestructible basis, the repayments of the capital and interest of the public debt should no longer be made from the royal treasury, but from the treasury of the nation: a portion of the public revenue should be set aside month by month, so that payments may never be deferred, and then it may be truly said that the national debt is consolidated.

They should cause to be printed lists of pensions, gratuities and special gifts, with details of the motives occasioning them. These lists should be revised every year and published as above, together with a general and detailed account of the finances, receipts and expenditures of the year.

The minister of finance should be held accountable, either to the States General, or to the court which this body may select, for the disbursement of all funds turned into the national treasury: the ministers of other departments should be held equally responsible for funds received by them, and they should be held responsible to the States Gen-

eral for their administration, in all that relates to the laws of the kingdom.

AGRICULTURE.

Art. 6. Of all classes of citizens none is in a better position to know the needs of agriculture than the nobility, which lives upon the land. The nobility of the *bailliage* of Blois would have reason to reproach itself, if it did not unite, in a special article, the observations of this assembly and the information which it has been able to collect from the minutes of the provincial assembly of Orléans, concerning the agriculture of this province in particular.

Certain calculations, which bear the marks of exactness, and the results of which may be regarded as sufficiently accurate in a matter of this nature, establish the fact that while in England an area of one thousand square toises yields a gross product of 48,000 ℔s. a year, the same area in France produces only 18,000 ℔s.

It would be useless to seek the cause of this enormous difference in the fertility of the soil. The soil of France is quite as good as that of England, and France has, to a greater degree than England, certain products, peculiar to herself, such as silk, wines, oils etc.

This disproportion has no connection with the characteristics of the two peoples; the French people have neither less courage nor less ingenuity than the English. It is impossible to conceal the fact: it is again a consequence of vices in the constitution. For centuries the country people have groaned under the yoke of pecuniary burdens, the more overwhelming insomuch as they are arbitrary. The terror, which the rigorous collection of taxes has inspired, has driven into the cities all the ability and all the capital, to such a degree that no large speculative enterprise concerns itself with agriculture.

Another cause contributing more than any other to turn capital from agriculture is the high rate of interest, which the demands and frequent loans of the government have occasioned. The allurement of a life of ease, demanding neither care nor labor, has drained the country of money and accumulated it in the towns.

Without considerable advances only a feeble state of agriculture can be obtained; without capital there can be no live stock, without live stock no manure, without manure no crops; and such is the state to which agriculture in parts of this province has been reduced.

The States General will render a most signal service to agriculture,

as well as to commerce, by causing to fall, as rapidly as possible, the high rate of interest.

The nobility of the *bailliage* of Blois has dwelt with some emphasis upon these considerations, because it has found here additional motives for strengthening the demand, which it has already expressed, for an abolition of the *taille*, and a general suppression of all arbitrary taxation.

These statements refer principally to the less fertile portions of Beance and Dunois. Sologne presents a picture even more dispiriting: it lies almost wholly in empty pastures; nothing is sown except here and there rye and buckwheat.

Certain investigations made from time to time in regard to the population of this province, seem to show that it is decreasing; and in fact the stagnant waters, which cover it in winter, render residence here unhealthful, producing fevers in autumn, and shortening the average life of the country people: but while the number of persons has decreased, while agriculture has became impoverished, the *taille* has remained ever the same, and it has risen to-day to almost half the revenues of the proprietors.

These details are necessary in order to call attention to the necessity of reducing the burdens of the province, and of opening a canal which shall drain the country.

Dunois demands still more immediate relief, and relief proportionate to its needs. A terrible scourge has ravaged its fields in the past year and destroyed the crops; the spirit of justice demands that independent of indemnities which may be granted, there should be a total remission of taxes to those who have no harvest, and to others in proportion to their loss.

Blêzois has just suffered a loss, which cannot be repaired in many years, through the destruction of its vines by frost. Sologne, in the loss of the fish in its ponds, which died from the severe cold. It is impossible that these disasters, which have ruined proprietors, should not diminish the receipts of the public treasury, and the nobility permits itself to hope that these facts will be taken into consideration.

The principal assistance which agriculture awaits at this moment from the representatives of the nation is as follows;

1. Absolute freedom in the sale and circulation of grain and produce;

2. A regulation favoring the redemption of socome and other

burdensome taxes, the drainage of swamps, the division of communal lands;

3. Government encouragement in the production of better grades of wool and in the breeding of cattle;

4. Abolition of sealers of weights and measures;

5. Establishments for weaving, for the manufacture of the coarser fabrics in the villages, to give employment to the country people during the idle period of the year;

6. Better facilities for the education of children; elementary text-books, adapted to their capacity, where the rights of man and the social duties shall be clearly set forth;

7. More expert surgeons and experienced midwives, etc.

Deputies ought to find assistance toward these ends in the agricultural societies, in the learned associations of the capital and in the great number of works which have been published in the last few years. They should not lose sight of the fact that agriculture is the foremost of all the arts; that it is the source of reviving prosperity; agriculture it is that furnishes to all manufacturers the raw materials upon which industry is exercised, and to commerce the materials of exchange; it furnishes subsistence to all; and, finally, it is in agriculture that the strength of the nation resides.

SPECIAL MATTERS.

Art. 7. The nobility of the *bailliage* of Blois, in commencing the composition of these instructions, had nothing further in view than the tracing of a plan of constitution most conformable to the principles of monarchy, and most likely to ensure to the nation the free exercise of its legitimate rights; we proposed moreover to confine ourselves to general considerations. The great number of suggestions and memorials, however, which have been sent in by various members of the order during the progress of our labors, has gradually diverted us from our earlier plan, and it seems to us desirable to include a number of felicitous ideas and important reflections, which do honor to the knowledge and patriotic spirit of their originators. Fearing, however, that they might lose somewhat of their original force or be inadequately developed in our presentation, we have determined that the original memorials themselves should be turned over to the deputies. The leading ideas which we have extracted from these writings, and which we have determined to incorporate in our demands, are the following:

1. The augmentation, *out af the funds of the clergy, of the salary of parish priests with minimum dotation*, the greater part of whom are in a state bordering so closely upon poverty, that they often share in the misery of the country people, without being able to relieve it.

2. That the law exempting from the payment of *taille* each rural inhabitant who has twelve children be reenacted, and in case of the total suppression of the *taille* some equivalent compensation be made.

3. Throughout the whole kingdom there should be but one code of laws, one system of weights and measures.

4. That a commission be established composed of the most eminent men of letters of the capital and provinces, and citizens of all orders, to formulate a plan of national education for the benefit of all classes of society; and for the purpose of revising elementary text-books.

5. That all customs duties collected in the interior of the kingdom be abolished, and all custom-houses, offices and customs barriers be removed to the frontier.

6. That rank, power or credit shall not be permitted to avert the rigors of the law in the case of fraudulent bankruptcies, and that the custom of issuing writs of suspension be done away with, at least until they have been demanded by the creditors themselves.

7. That any bill signed by a nobleman be declared a bill of honor.

8. That the troops be employed upon the highways and public works.

9. That there be established in country parishes, at the expense of *seigneurs* who demand it, retreats for disabled soldiers, for which the king shall furnish only the clothing.

10. That the law prohibiting all persons not noble from carrying arms be put in force, and that precautions be taken to assure its execution.

11. That the mounted police be increased, and that projects which have been advanced looking to an establishment of foot brigades be considered.

With regard to all that concerns public charities, mendicancy, hospitals, foundling asylums and other benevolent institutions, the assembly of the nobility recognizes their importance, but considers itself not in duty bound to take them into consideration, since they are more especially within the jurisdiction of the provincial estates.

CONCERNING THE NATIONAL CONSTITUTION AND THE MEANS OF OBTAINING THE ABOLITION OF ABUSES.

Art. 8. Up to this point we have merely indicated the abuses which have accumulated in France during a long succession of centuries; we have made it evident that the rights of citizens have been abridged by a multitude of laws which attack property, liberty and personal safety.

That these rights have suffered injury as well in the nature as in the imposition of the taxes; in the administration of justice in both civil and criminal law; that this has been the case especially in the administration of the public revenues.

It is not sufficient to suppress these abuses; it is necessary to prevent their return; there must be established an ever active influence, moving without interruption in the direction of public prosperity, which shall bear in itself the germ of all good, a principle destructive of all evil.

In order to accomplish this great object the nobility of the *bailliage* of Blois demand:

That the States General about to assemble shall be permanent and shall not be dissolved until the constitution be established; but in case the labors connected with the establishment of the constitution be prolonged beyond a space of two years, the assembly shall be reorganized with new deputies freely and regularly elected.

That a fundamental and constitutional law shall assure forever the periodical assembly of the States General at frequent intervals, in such a manner that they may assemble and organize themselves at a fixed time and place, without the concurrence of any act emanating from the executive power.

That the legislative power shall reside exclusively in the assembly of the nation, under the sanction of the king, and shall not be exercised by any intermediate body during the recess of the States General.

That the king shall enjoy the full extent of executive power necessary to insure the execution of the laws; but that he shall not be able in any event to modify the laws without the consent of the nation.

That the form of the military oath shall be changed, and the troops promise obedience and fidelity to the king and the nation.

That taxes may not be imposed without the consent of the nation;

that taxes may be granted only for a specified time, and for no longer than the next meeting of the States General.

[*The question of how voting should be conducted in the States General called forth a variety of opinions, and it was decided to insert in the cahier the minutes of the meeting of March 28, in so far as they bore upon the matter. The substance of the discussion is as follows:*

Upon the first ballot the assembly stood 51 for the vote by order and 43 for the vote per capita.

It was suggested however that many present favored a mixed system of voting, viz.: that in matters of general welfare, or which involved the granting of subsidies and the maintenance of the national honor, voting should be per capita; that in matters touching the rights and interests of the individual orders, voting should be by order.

Upon ballot, 68 signified their approval of this system and 28 still adhered to the vote by order.]

There shall be established this year, if possible, and before the adjournment of the States General, provincial estates, which shall superintend the levy of taxes approved by the nation, ... have charge of highways and public works and of all that concerns the special local interests of the provinces, as well as all matters of administration confided to them by the States General, especially the administration of the domains and forests belonging to the king and to communes.

With respect to the organization of the provincial estates the nobility of the *bailliage* of Blois will aquiesce in whatever the States General may be pleased to determine.

That a part of the magisterial and judicial powers hitherto possessed by intendants shall be entrusted to a court established in each *généralité*.

It has been determined to grant absolute powers to delegates; but that notice be given them that the unanimous desire of the nobility of the *bailliage* of Blois has never swerved from this principle: No subsidies without a constitution; no tax to be legal, unless decreed and determined by the States General.

[*The cahier is signed by 7 marquises, 7 counts, 3 viscounts, 3 barons, 9 knights, and 64 persons without special title.*]

III. CAHIER,

Of the grievances, complaints and remonstrances of the members of the third estate of the bailliage of Versailles.

Archives Parlementaires, Vol. V, p. 180-185.

CONSTITUTION.

Art. 1. The power of making laws resides in the king and the nation.

Art. 2. The nation being too numerous for a personal exercise of this right, has confided its trust to representatives freely chosen from all classes of citizens. These representatives constitute the national assembly.

Art. 3. Frenchmen should regard as laws of the kingdom those alone which have been prepared by the national assembly and sanctioned by the king.

Art. 4. Succession in the male line and primogeniture are usages as ancient as the monarchy, and ought to be maintained and consecrated by solemn and irrevocable enactment.

Art. 5. The laws prepared by the States General and sanctioned by the king shall be binding upon all classes of citizens and upon all provinces of the kingdom. They shall be registered literally and accurately in all courts of law. They shall be open for consultation at all seats of municipal and communal government; and shall be read at sermon time in all parishes.

Art. 6. That the nation may not be deprived of that portion of legislation which is its due, and that the affairs of the kingdom may not suffer neglect and delay, the States General shall be convoked at least every two or three years.

Art. 7. No intermediate commission of the States General may ever be established, since deputies of the nation have no right to delegate the powers confirmed to them.

Art. 8. Powers shall be conferred upon delegates for one year only; but they may be continued or confirmed by a single reelection.

Art. 9. The persons of deputies shall be inviolable. They may not be prosecuted in civil cases during their term of office; nor held responsible to the executive authorities for any speech made in the assembly; but they shall be responsible to the States General alone.

Art. 10. Deputies of the Third Estate, or their president or

speaker, shall preserve the same attitude and demeanor as the representatives of the two upper orders, when they address the sovereign. As regards the three orders there shall be no difference observed in the ceremonial made use of at the convocation of the estates.

Art. 11. Personal liberty, proprietary rights and the security of citizens shall be established in a clear, precise and irrevocable manner. All *lettres de cachet* shall be abolished for ever, subject to certain modifications which the States General may see fit to impose.

Art. 12. And to remove forever the possibility of injury to the personal and proprietary rights of Frenchmen, the jury system shall be introduced in all criminal cases, and in civil cases for the determination of fact, in all the courts of the realm.

Art. 13. All persons accused of crimes not involving the death penalty shall be released on bail within twenty-four hours. This release shall be pronounced by the judge upon the decision of the jury.

Art. 14. All persons who shall have been imprisoned upon suspicion, and afterwards proved innocent, shall be entitled to satisfaction and damages from the state, if they are able to show that their honor or property has suffered injury.

Art. 15. A wider liberty of the press shall be accorded, with this provision alone: that all manuscripts sent to the printer shall be signed by the author, who shall be obliged to disclose his identity and bear the responsibility of his work; and to prevent judges and other persons in power from taking advantage of their authority, no writing shall be held a libel until it is so determined by twelve jurors, chosen according to the forms of a law which shall be enacted upon this subject.

Art. 16. Letters shall never be opened in transit; and effectual measures shall be taken to the end that this trust shall remain inviolable.

Art. 17. All distinctions in penalties shall be abolished; and crimes committed by citizens of the different orders shall be punished irrespectively, according to the same forms of law and in the same manner. The States General shall seek to bring it about that the effects of transgression shall be confined to the individual, and shall not be reflected upon the relatives of the transgressor, themselves innocent of all participation.

Art. 18. Penalties shall in all cases be moderate and proportionate to the crime. All kinds of torture, the rack and the stake, shall be abolished. Sentence of death shall be pronounced only for atrocious crimes and in rare instances, determined by the law.

Art. 19. Civil and criminal laws shall be reformed.

Art. 20. The military throughout the kingdom shall be subject to the general law and to the civil authorities, in the same manner as other citizens.

Art. 21. No tax shall be legal unless accepted by the representatives of the people and sanctioned by the king.

Art. 22. Since all Frenchmen receive the same advantage from the government, and are equally interested in its maintenance they ought to be placed upon the same footing in the matter of taxation.

Art. 23. All taxes now in operation are contrary to these principles and for the most part vexatious, oppressive and humiliating to the people. They ought to be abolished as soon as possible, and replaced by others common to the three orders and to all classes of citizens, without exception.

Art. 24. In case the present taxes are provisionally retained, it should be for a short time, not longer than the session of the States General, and it shall be ordered that the proportional contribution of the two upper orders shall be due from them on the day of the promulgation of the law of the constitution.

Art. 25. After the establishment of the new taxes, which shall be paid by the three orders, the present exceptional method of collecting from the clergy shall be done away with, and their future assemblies shall deal exclusively with matters of discipline and dogma.

Art. 26. All new taxes, real and personal, shall be established only for a limited time, never to exceed two or three years. At the expiration of this term, they shall be no longer collected, and collectors or or other officials soliciting the same shall be proceeded against as guilty of extortion.

Art. 27. The anticipation of future revenues, loans in whatsoever disguise, and all other financial expedients of the kind, of which so great abuse has been made, shall be forbidden.

Art. 28. In case of war, or other exceptional necessity, no loan shall be made without the consent of the States General, and it shall be enacted that no loan shall be effected, without provision being made by taxation for the payment of interest, and of the principal at a specified time.

Art. 29. The amount which each citizen shall be obliged to pay, in case of war, by reason of an increase in the existing taxes, at a certain rate per livre, shall be determined beforehand by the States Gen-

eral in conjunction with the king. The certainty of increase ought to have a marked effect in preventing useless and unjust wars, since it clearly indicates to Frenchmen the new burden they will have to bear, and to foreign nations the resources which the nation has in reserve and at hand to repulse unjust attacks.

Art. 30. The exact debt of the government shall be established by the States General, and after verification it shall be declared the national debt.

Art. 31. Perpetual and life annuities shall be funded at their present value.

Art. 32. The expenses of the departments shall be determined by their actual needs, and so established by a committee of the States General, in such a manner that the expenditures may never exceed the sums appropriated.

Art. 33. There shall be no increase in taxation, until the receipts and expenditures have been compared with the utmost care, and a real deficit discovered; in fact, not until all possible reductions have been made in the expenses of each department.

Art. 34. The expenses of the war department call for the special attention of the States General. These expenses mount annually to the appalling sums of 110 and 120 millions. In order to effect their reduction, the States General shall demand the accounts of this department under the recent ministries, particularly under the ministry of the Duc de Choiseul.

Art. 35. The present militia system, which is burdensome, oppressive and humiliating to the people, shall be abolished; and the States General shall devise means for its reformation.

Art. 36. A statement of Pensions shall be presented to the States General; they shall be granted only in moderate amounts, and then only for services rendered. The total annual expenditure for this purpose should not exceed a fixed sum. A list of pensions should be printed and made public each year.

Art. 37. Since the nation undertakes to provide for the personal expenses of the sovereign, as well as for the crown and state, the law providing for the inalienability of the domain shall be repealed. As a result, all the domanial possessions immediately in the king's possession, as well as those already pledged, and the forests of his majesty as well, shall be sold, and transferred in small lots, in so far as possible, and always at public auction to the highest bidder; and the proceeds ap-

plied to the reduction of the public debt. In the meanwhile all woods and forests shall continue to be controlled and administered, whoever may be the actual proprietors, according to the provisions of the law of 1669.

Art. 38. The execution of this law shall be confided to the provincial estates, which shall prosecute violations of the law before judges in ordinary.

Art. 39. Apanages shall be abolished and replaced, in the case of princes who possess them, with cash salaries, which shall be included in the expenses of the crown.

Art. 40. The States General shall take under advisement these transfers which have not yet been verified and completed.

Art. 40. b. Ministers and all government officials shall be responsible to the States General for their conduct of affairs. They may be impeached according to fixed forms of law and punished according to the statute.

Art. 41. All general and particular statements and accounts relative to the administration shall be printed and made public each year.

Art. 42. The coinage may not be altered without the consent of the Estates; and no bank established without their approval.

Art. 43. A new subdivision shall be made of the provinces of the realm; provincial estates shall be established, members of which, not excepting their presidents, shall be elected.

Art. 44. The constitution of the provincial estates shall be uniform throughout the kingdom, and fixed by the States General. Their powers shall be limited to the interior administration of the provinces, under the supervision of his majesty, who shall communicate to them the national laws which have received the consent of the States General and the royal sanction: to which laws all the provincial estates shall be obliged to submit without reservation.

Art. 45. All members of the municipal assemblies of towns and villages shall be elected. They may be chosen from all classes of citizens. All municipal offices, now existing, shall be abolished; and their redemption shall be provided for by the States General.

Art. 46. All offices and positions, civil, ecclesiastical and military, shall be open to all orders; and no humiliating and unjust exception (in the case of the third estate), destructive to emulation and injurious to the interests of the state, shall be perpetuated.

Art. 47. The right of *aubaine* shall be abolished with regard to

all nationalities. All foreigners, after three years residence in the kingdom, shall enjoy the rights of citizenship.

Art. 48. Deputies of French colonies in America and in the Indies, which form an important part of our possessions, shall be admitted to the States General, if not at the next meeting, at least at the one following.

Art. 49. All relics of serfdom, agrarian or personal, still remaining in certain provinces, shall be abolished.

Art. 50. New laws shall be made in favor of the negroes in our colonies; and the States General shall take measures toward the abolition of slavery. Meanwhile let a law be passed, that negroes in the colonies who desire to purchase their freedom, as well as those whom their masters are willing to set free, shall no longer be compelled to pay a tax to the domain.

Art. 51. The three functions, legislative, executive and judicial, shall be separated and carefully distinguished.

The communes of the bailliage of Versailles have already expressed themselves in respect to the necessity of adopting the form of deliberation *per capita* in the coming States General. The reform of the constitution will be one of their principal duties. This magnificent monument of liberty and public felicity should be the work of the three orders in common session; if they are separated, certain pretensions, anxieties and jealousies are bound to arise; the two upper orders are likely to oppose obstacles, perhaps invincible, to the reform of abuses and the enactment of laws destined to suppress such abuses. It seems indispensable that in this first assembly votes should be taken *per capita* and not by order. After the renunciation by the two upper orders of their pecuniary privileges; after all distinctions before the law have been abolished; when the exclusion of the third estate from certain offices and positions has been done away with,—then the reasons which to-day necessitate deliberation *per capita* will no longer exist.

The communes of Versailles therefore refrain from expressing a positive opinion upon the future composition of the national assemblies and upon the method of their deliberation. They defer, with all confidence, the decision of this important question to the wisdom of the States General.

Our prayer is that the methods determined upon shall be such as will assure forever, to the king and to the nation those portions of the legislative power which respectively belong to them; that they shall

maintain between them a perfect equilibrium in the employment of this power; that they shall conserve, forever, to the nation its rights and liberties; to the king his prerogatives and the executive power in all its fulness. Finally that these methods should be so combined as to produce that circumspectness and lack of haste so necessary to the enactment of laws, and that they will effectually prevent all hasty counsels, dissentions amongst deputies and immature conclusions.

May all deputies to this august assembly, impressed with the sanctity and extent of their obligations, forget that they are the mandatories of some special order, and remember only that they are representatives of the people. May they never be forgetful of the fact, that they are about to fix the destinies of the foremost nation of the world!

THE EXECUTIVE.

Art. 52. It shall be ordained by the constitution that the executive power be vested in the king alone.

Art. 53. The king shall dispose of all offices, places and positions, ecclesiastical, civil and military, to which he has at present the right of appointment.

Art. 54. All the provincial estates, or commissions representing them, shall receive his immediate orders which it shall be their duty to obey provisionally.

Art. 55. His consent shall be necessary to all bills approved by the States General in order that they may acquire the force of law throughout the realm. He may reject all bills presented to him, without being obliged to state the reasons of his disapproval.

Art. 56. He shall have the sole right of convening, prorogueing and dissolving the States General.

THE JUDICIARY.

Art. 57. The sale of the judicial office shall be suppressed as soon as circumstances will permit, and provision made for the indemnification of holders.

Art. 58. There shall be established in the provinces as many superior courts as there are provincial estates. They shall be courts of final jurisdiction.

Art. 59. All exceptional and privileged seignorial courts shall be abolished, as well as other courts rendered useless by the abolition of

certain taxes which caused their erection, and by the adoption of a new system of accounts under the exclusive control of the States General.

Art. 60. All rights of *committimus* or of evocation, which tend to favor certain classes of citizens to the detriment of the general public, shall be abolished.

Art. 61. There shall be only two stages of jurisdiction.

Art. 62. Since the adoption of the jury system will have a tendency to facilitate and simplify the administration of justice, all classes of judges shall be reduced to the least number possible.

Art. 63. Each judge of the lower courts and of the superior provincial courts shall be appointed by the king out of a list of three candidates, presented by the provincial estates.

Art. 64. Judges of all courts shall be obliged to adhere to the letter of the law and may never be permitted to change, modify or interpret it at their pleasure.

Art. 65. The fees received by all officers of justice shall be fixed at a moderate rate and clearly understood; and judges who extort fees in excess of the fixed rates shall be condemned to pay a fine of four times the amount they have received.

Such are the bases of a constitution founded upon the eternal principles of justice and reason, which alone ought to regulate henceforward the government of the realm. Once they are adopted, all false pretensions, all burdensome privileges, all abuses of all kinds will be seen to disappear. Already a considerable number of *bailliages* have expressed their desires concerning the reforms and abolitions to be effected in all branches of the administration; the necessity for these drastic changes has been so evident that it is sufficient merely to indicate them.

GENERAL DEMANDS.

Art. 66. The deputies of the *prévôté* and *vicomté* of Paris shall be instructed to unite themselves with the deputies of other provinces, in order to join with them in securing, as soon as possible, the following abolitions:

Of the *taille*;
Of the *gabelle*;
Of the *aides*;
Of the *corvée*;
Of the *ferme* of tobacco;
Of the registry-duties;

Of the free-hold tax;
Of the taxes on leather;
Of the government stamp upon iron;
Of the stamps upon gold and silver;
Of the interprovincial customs duties;
Of the taxes upon fairs and markets;

Finally, of all taxes that are burdensome and oppressive, whether on account of their nature or of the expense of collection, or because they have been paid almost wholly by agriculturists and by the poorer classes. They shall be replaced with other taxes, less complicated and easier of collection, which shall fall alike upon all classes and orders of the state without exception.

Art. 67. We demand also the abolition of the royal preserves (*capitaineries*);

Of the game laws;
Of jurisdictions of *prévôtés*;
Of *banalités*;
Of tolls;
Of useless authorities and governments in cities and provinces.

Art. 68. We solicit the establishment of public granaries in the provinces, under the control of the provincial estates, in order that by accumulating reserves during years of plenty, famine and excessive dearness of grain, such as we have experienced in the past may be prevented.

Art. 69. We solicit also the establishment of free schools in all country parishes.

Art. 70. We demand, for the benefit of commerce, the abolition of all exclusive privileges:

The removal of customs barriers to the frontiers;
The most complete freedom in trade;
The revision and reform of all laws relative to commerce;
Encouragement for all kinds of manufacture: viz. premiums, bounties and advances:
Rewards to artisans and laborers for useful inventions.

The communes desire that prizes and rewards shall always be preferred to exclusive privileges, which extinguish emulation and lessen competition.

Art. 71. We demand the suppression of various hindrances, such as stamps, special taxes, inspections; and the annoyances and visitations,

to which many manufacturing establishments, particularly tanneries, are subjected.

Art. 72. The States General are entreated to devise means for abolishing gild organizations, indemnifying the holders of masterships; and to fix by law the conditions, under which the arts, trades and professions may be followed, without the payment of an admission tax, and at the same time to provide that public security and confidence be undisturbed.

Art. 73. Deputies shall solicit the abolition of:

Receivers of consignments;

Pawn-brokers;

All lotteries;

The bank of Poissy;[1]

All taxes, of whatsoever nature, on grain and flour;

All franchises and exemptions enjoyed by post-agents, except a pecuniary indemnity which shall be accorded them;

The exclusive privilege of the transportation companies, which shall be allowed to continue their public service, in competition, however, with all private companies, which shall see fit to establish public carriages; and these moreover shall be encouraged.

Art. 74. They shall demand complete freedom of transport for grain among the various provinces of the kingdom, without interference from any court whatsoever.

Art. 75. They shall demand also the total abolition of all writs of suspension and of safe conducts.

Art. 76. Superior courts shall be absolutely prohibited from arresting, in any manner whatsoever, by means of decrees or decisions obtained upon petitions not made public, the execution of notarial writs or the decisions of judges of original jurisdiction, when the law shall ordain their provisional execution; under penalty that the judge shall be responsible for the amount of the debt, payment of which he has caused to be arrested.

Art. 77. The abolition of all places of refuge for debtors.

Art. 78. That no merchant or trader may be admitted to any

[1] The Bank of Poissy, established in the seventeenth century, acted as an intermediary between the butchers of Paris and outside cattle dealers, furnishing money to the butchers for their purchases. The result, at least in the popular mind, was to raise the price of butchers' wares. This institution had been abolished by Turgot in 1776 and reestablished in 1779.

VARIOUS MATTERS.

Art. 1. Deputies of the *prévôté-vicomté* shall be instructed to demand increased pay for soldiers.

Art. 2. That inhabitants of towns and rural places be paid and indemnified for troops of war quartered upon them, for the transportation of troops and of military baggage.

Art. 3. That the ordinances concerning the king's guard be revised, particularly those clauses which abolish the wise provision of Louis XIV. for the safety of his person, and the regulations made by him relative to his body-guard.

Art. 4. That barbarous punishments, taken from the codes of foreign nations and introduced into the new military regulations, be abolished, and replaced with regulations more in conformity with the genius of the nation.

(*Articles 5, 6, and 7 relate to notarial and registry fees.*)

Art. 8. That it be permitted to contract loans by means of bills or short-term certificates of debt, bearing interest at the legal rate, without it being necessary to alienate the capital so pledged.

Art. 9. In case the property of the church be not sold, that leases shall be continued by the successors of the present holders; at least that they shall not suffer a reduction of more that one-third.

Art. 10. That canals be constructed in all provinces of the kingdom where they will be useful.

Art. 11. That the working of mines be encouraged.

Art. 12. That a new schedule be made of the expenses of funerals, marriages and other church functions.

Art. 13. That cemeteries be located outside of cities, towns and villages; that the same be done with places of deposit for refuse.

Art. 14. That the funds for the support of the lazarettos, formerly located in rural parishes, having been united with the endowments of hospitals, country people shall be permitted to send their sick to the city hospitals.

Art. 15. That the laws of the kingdom shall be equally the laws of the French colonies.

Art. 16. That all kinds of employment suitable for women shall be reserved for them by special enactment.

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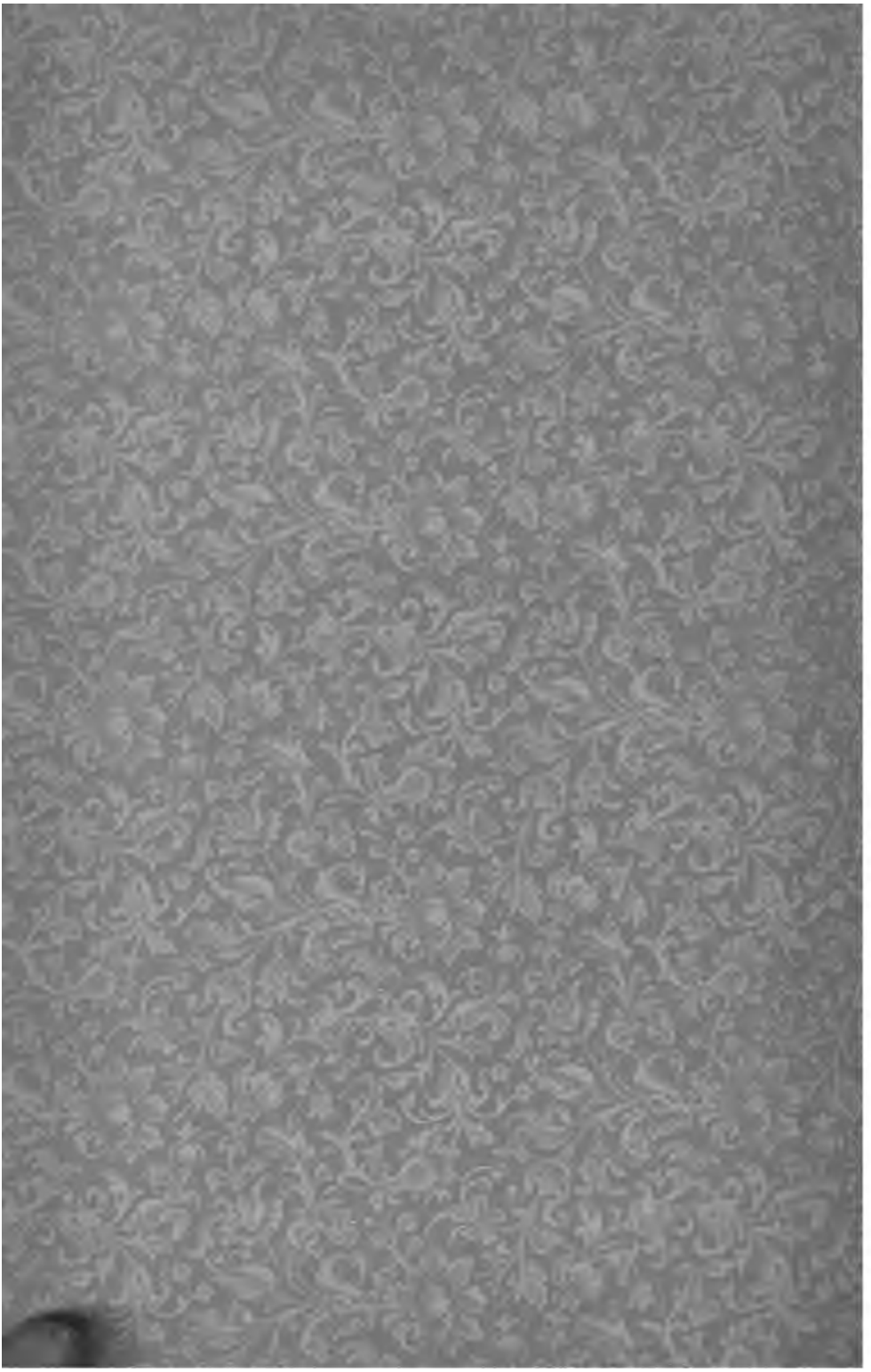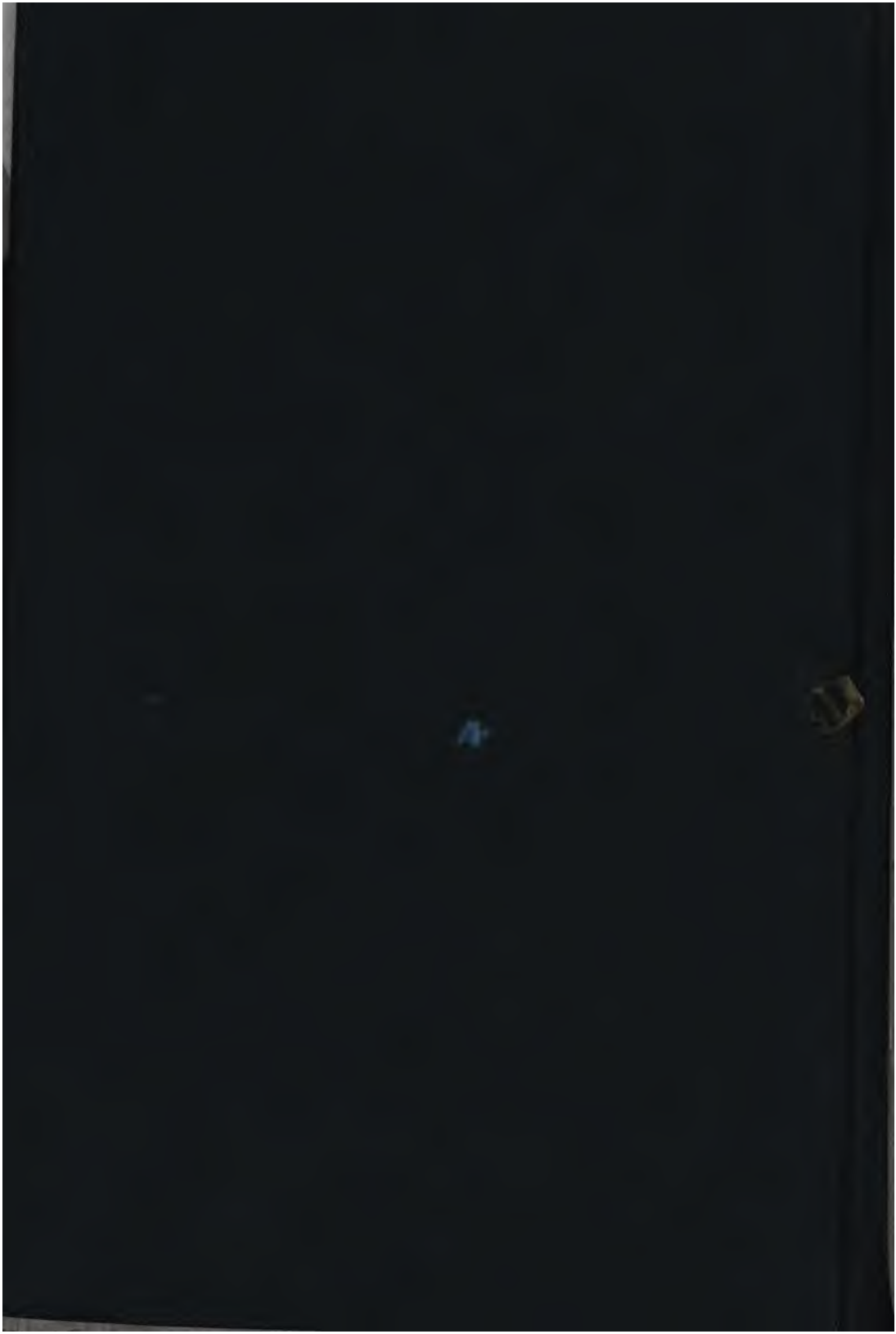
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